

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REUNION INDUSTRIES, INC.,)
)
Plaintiff,) C.A. 08-609
)
vs.)
)
DOE 1 a/k/a DENUNZ2005, et al.,)
)
Defendants.)

MEMORANDUM ORDER

In this action, Plaintiff brings suit for commercial disparagement against Defendants, as the result of statements that Defendants posted on an internet bulletin board. Defendant Conner has moved to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6), based, inter alia, on failure to effectuate service, and expiration of the applicable limitations period. In supporting and defending against the Motion, the parties rely on matters outside the Complaint.

Accordingly, pursuant to Fed. R. Civ. P. 12(d), I will convert the Motion into one for summary judgment, and treat it according to Rule 56. Within ten (10) days of today's date, Defendant may present any additional materials pertinent to the Motion. Within ten (10) days thereafter, Plaintiff may do the same.

AND NOW, this 19th day of June, 2008, IT IS SO ORDERED.

BY THE COURT:

/s/Donetta W. Ambrose

Donetta W. Ambrose

Chief Judge, U.S. District Court